IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 14812 of 2005

Between:

M/s. S.B.V.M. High School Badvel, rep by Correspondent Sri B. Ramaiah S/o Obelesu, Ashokngar, Badvel, Kadapa District

..... PETITIONER

AND

1. The District Educational Officer, Kadapa
2. The Mandal Revenue Officer, Badvel, Kadapa District
3. M/s. Sadhana Educational Society, (Sadhana English Medium School), rep by President Sri, S. Srinivasulu, Badvel, Kadapa District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or Writ one in the nature of Writ of Mandamus declaring the action of the respondents in not implementing the rules under G.O.Ms. No. 1 dated 1-1-1994 in letter and spirit as arbitrary, illegal, unjust and consequently direct the respondents 1 and 2 not to grant any permission for shifting of 3rd respondent school from 10th ward Ashoknagar to 9th ward Ashokngar.

Counsel for the Petitioner: MR.K.VENUGOPAL REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR EDUCATION

Counsel for the Respondent No.3: MR.V.R.REDDY KOVVURI

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner seeking a writ of Mandamus declaring the action of the respondents 1 and 2 in not implementing the rules made under G.O.Ms.No.1, Education Department, dated 01.01.1994, in letter and spirit as arbitrary, illegal, unjust and consequently direct the respondents 1 and 2 not to grant any permission for shifting of the third respondent-School from 10th Ward to 9th Ward, Ashoknagar, Badvel Town, Kadapa District.

According to the petitioner, it established a school in the name and style of M/s.S.B.V.M.High School in Badvel, Kadapa District having obtained permission on 22.12.1993 from the competent authorities. It is stated that the third respondent also obtained permission on 09.12.2000 and established a school in the name and style of M/s.Sadhana Educational Society (Sadhana English Medium School) offering Class I to Class VII. The said school is situated in 10th Ward, Ashoknagar, Badvel town, Kadapa District. According to the petitioner, while granting permission, a specific condition was imposed that permission shall not be granted for shifting of the premises to any other locality. However, according to the petitioner,

the third respondent is constructing a building in the 9th Ward, Ashoknagar and proposing to shift the school and if the said shifting is allowed, it would cause irreparable loss to the petitioner. Therefore, the petitioner made a representation to the respondents 1 and 2. It is further stated that the enquiries were also conducted, however the respondents 1 and 2 did not stop the construction of the school building. The action of the third respondent in constructing a school building is contrary to the Act as well as the specific proceedings of the respondents 1 and 2. Hence, the petitioner has come up with the present writ petition.

At the time of hearing, the learned counsel for the petitioner has stated that in spite of the orders of the second respondent dated 27.05.2005, the third respondent is proceeding with the construction and therefore, the petitioner instituted proceedings before the Civil Court and even obtained injunction order. However, the petitioner apprehends that the respondents 1 and 2 may grant permission to the third respondent for shifting the school building. Hence, he seeks appropriate direction.

Heard the learned counsel for the petitioner and the learned Government Pleader for Education appearing for the respondents 1 and 2.

The present writ petition is filed by the petitioner without there being any orders perhaps on an apprehension that an order would be passed and if such an order is passed, it would be in contravention to the rules made in G.O.Ms.No.1, Education Department, dated 01.01.1994 and therefore, sought for appropriate orders. This Court would not consider such apprehensions for passing any orders. Therefore, the writ petition is premature and is not maintainable as no orders are passed with reference to granting permission for the proposed shifting of the school building from 10th Ward to 9th Ward, Ashoknagar, Badvel, Kadapa District in favour of the third respondent.

Accordingly the writ petition is dismissed without going into the merits,

as the matter is premature. No costs.

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11.07.2005

VGB

To

1. The District Educational Officer, Kadapa.
2. The Mandal Revenue Officer, Badvel, Kadapa District
3. 2CCs to the Government Pleader for Education, High Court Buildings, Hyderabad. (OUT)
4. 2CD copies.